

As a user of digital content, I have a grave concern about the proposed Broadcast Flag. I enjoy the flexibility and control that technology gives me. As a current user, I can be more than a passive recipient of content; I can modify, create and participate. New technologies give me more choices by allowing me to record a television program and watch it later; clip a small piece of TV and splice it into a home movie or a school project; send an email clip of my child's football game to a distant relative; record a TV program onto a DVD and play it in a friend's home or in my own home on a different system. The current broadcast flag proposal seems designed to remove my ability to control content I view and current flexibility that I now enjoy.

Historically, the law has allowed for those not affiliated with creating content to come up with new, unanticipated ways of using it. For example, Sony invented the modern VCR -- a movie studio did not. (Sony did not own a movie studio at the time.) Diamond Multimedia invented the MP3 player -- a recording label did not. Unfortunately, the broadcast flag has the potential to put an end to that dynamic. Because the broadcast flag defines what uses are authorized and which are not, unanticipated uses of content which are not foreseeable today are by default unauthorized. If we allow the content industry to determine what is authorized or unauthorized for private use, we users lose the ability to innovate in the future - innovate in unanticipated but legal uses that will benefit other users of digital content.

I am a law-abiding user who believes that piracy should be prevented and prosecuted. However, if theoretical prevention comes at the cost of prohibiting me from making legal, personal use of my content, then the FCC should be working to protect all users rather than for media interests and those who would restrict user rights. In the case of the broadcast flag, it seems that it will have little effect on piracy. With file-sharing networks, a TV program has only to be cracked once, and it will propagate rapidly across the Internet. So, while I as the average user may be required to purchase consumer electronic devices that cost more and allow me to do less, piracy will not be diminished.

In closing, I urge you to require the content industry to demonstrate that its proposed technologies will allow for all legal uses and will actually achieve the stated goal of preventing piracy. If they cannot, I urge you not to mandate the broadcast flag.